

## REMARKS

In response to the Office Action mailed January 12, 2009, and in view of the foregoing amendments and following remarks, reconsideration is requested. Claims 16-21 are pending in the application of which claims 16, 18, 20 and 21 are independent. Claims 1-15 have been withdrawn from consideration and have been cancelled.

### Rejection under 35 U.S.C. §103 – Claims 16-19

Claims 16-19, of which claims 16 and 18 are independent, were rejected under 35 U.S.C. §103 in view of U.S. Patent No. 4,523,227 (“Hurst”), U.S. Patent No. 5,559,900 (“Jayant”) and European Publication 360387 (“Crus”), and additionally in view of facts of which the Examiner has taken Official Notice.

According to Hurst, a synchronizer synchronizes two video sources having two slightly different playback rates. According to Hurst, abstract:

“In a mode in which the incoming frame rate is high, the read and write become separated in time as time passes due to the difference in frame rate. When reading and writing are separated by at least two frames, a motion detector is activated to continuously interrogate the memory in order to locate two identical frames. When two frames are identified as being identical, the read address is immediately switched by two fields, thereby bypassing or dropping two fields. This drop is not visible because the motion detector has identified the fields as being substantially identical. When the incoming signal is at a slower frame rate than normal, reading slowly lags writing until a two-frame difference or more occurs, whereupon during the next identical-frame condition, reading is switched closer to the writing point, thereby repeating two identical frames”.

The Office Action asserts that the purpose of frame removal in Hurst is “compression”, by reference to col. 1, lines 37-40 of Hurst, which states, “It is therefore desirable to have a system that prevents a loss of revenue to broadcasters and/or loss of artistic integrity of a program *by enabling time changing (lengthening or shortening) of a prerecorded program*. Further, it is desirable to carry out the time changing with a minimum of human error, and with a minimum of visible effects,” emphasis added. But, as Hurst indicates in this cited section, Hurst’s purpose is “time changing” of a prerecorded program, not data compression.

Further, as noted in the Office Action, Hurst does not compress the video after identical frames are removed. Therefore, Hurst does not describe the claimed “compressing the video information without the substantially redundant images.”

Jayant is relied upon solely for the proposition that video data can be compressed. However, Jayant also does not describe the claimed “compressing the video information without the substantially redundant images.”

Crus is relied upon solely for the broad generalization that meta data can be stored with “main data.” Crus describes a data base management system in which “meta-data descriptions of the [referential] constraints are stored in the form of objects called relationship descriptors.” Crus, Abstract. According to Crus, referential constraints are the required relationships enforced between data in columns from two different tables in a relational database. See page 2, lines 7-10. Crus has nothing to do with video compression.

Official Notice also is relied upon for the proposition that compressed video data can be stored.

In addition, the claim recites storage of “data indicative of the substantially redundant consecutive images”. In the Office Action, the descriptions of referential constraints in a relational database are broadly generalized metadata, and the claimed “data indicative of the substantially redundant consecutive images” is broadly generalized as metadata. This analysis uses impermissible hindsight. In proposing a combination of the prior art as obvious, the Court of Appeals for the Federal Circuit has noted “It is difficult but necessary that the decisionmaker forget what he or she has been taught . . . about the claimed invention and cast the mind back to the time the invention was made (often as here many years), to occupy the mind of one skilled in the art.” *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984), emphasis added. One cannot view the prior art (Hurst) through the lens of the claim language to conclude that Hurst describes metadata which should be stored. The appropriate question is whether one of ordinary skill in the art would have recognized that the output of the motion detector in Hurst should be stored. There is no evidence in the record to support such a conclusion; instead, the Examiner relies upon an inappropriate hindsight characterization of Hurst, through the

language of the claims, to reach this conclusion. Because the evidence fails to support a conclusion that one of ordinary skill in the art would have made the proposed combination, the rejection should be withdrawn.

Rejection under 35 U.S.C. §103 – Claims 20-21

Claims 20-21, both of which are independent, were rejected under 35 U.S.C. §103 in view of U.S. Patent No. 5,353,119 (“Dorrictott”) and U.S. Patent No. 4,847,677 (“Music”).

Dorrictott describes a system for frame rate conversion. Dorrictott integrates 24 frames per second material with 60 field per second material, and uses pulldown.

Dorrictott does not describe “wherein the compressed digital video information was generated by eliminating substantially redundant consecutive images in uncompressed digital video information originating from a video signal having a frame rate of 29.97 frames per second, wherein the compressed digital video information has associated information indicating where the substantially redundant consecutive images were located in the uncompressed digital video information”

In Dorrictott, the 24 frame per second material is progressive scanned, 1:1 images. This material does not originate from “compressed digital video information was generated by eliminating substantially redundant consecutive images in uncompressed digital video information originating from a video signal having a frame rate of 29.97 frames per second” as claimed.

Further, because the inputs in Dorrictott are 24 frame per second material, which includes progressive scanned 1:1 images, there is no “associated information indicating where the substantially redundant consecutive images were located in the uncompressed digital video information.” The Office Action cites Col. 10, lines 39-42 of Dorrictott, which merely describes the *end* result of *adding* phantom frames to 24 Hz material. This has nothing to do with the claim language which says that the 24 frame per second material that *originated from* 29.97Hz material has “associated information” indicating where the “substantially redundant consecutive images *were located*.”

Music is relied upon solely for the proposition that it is desirable to provide for compression and decompression of video data.

The proposed combination would not render obvious these claims which require “associated information indicating where the substantially redundant consecutive images *were located* in the uncompressed digital video information” as noted above. Neither Doricott nor Music describe or suggest these limitations.

Moreover, the proposed combination of Music and Dorricott would result in several cycles of compression and decompression in the frame rate conversion process that would degrade quality. For this reason, one of ordinary skill in the art would not have been motivated to make the proposed combination.

Accordingly, the rejection should be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, the outstanding rejections should be withdrawn. If the Examiner believes, after this reply, that the application is not in condition for allowance, the Applicant requests the Examiner call the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

Date: April 13, 2009

/Peter J. Gordon/

Peter J. Gordon  
Reg. No. 35,164  
Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070